



Brian L. Gardner
Member
Admitted in NY

Reply to New York Office
Writer's Direct Line: 646.563.8937
Writer's Direct Fax: 646.563.7937
Writer's E-Mail: bgardner@coleschotz.com

1325 Avenue of the Americas, 19th Floor
New York, NY 10019

212-752-8000 212-752-8393 fax

—
New Jersey

—
Delaware

—
Maryland

—
Texas

—
Florida

January 8, 2025

Via CM/ECF Filing

Hon. Gabriel W. Gorenstein
U.S.M.J.
United States District Court, Southern District
of New York
500 Pearl Street
New York New York 10007

Re: *Jimenez-Fogarty v. Fogarty, et al.*
Case No.: 1:24-CV-08705-JLR-GWG

Dear Judge Gorenstein:

This firm represents Defendant Thomas Fogarty, in the above-referenced case. In accordance with Rule 1.E. of Your Honor's Individuals Practices, we submit this letter requesting an extension of the briefing deadlines set forth in the Court's December 26, 2024 Order regarding Plaintiff's motion to disqualify counsel for Mr. Fogarty (ECF Doc. No. 35) (the "December 26 Order"). Plaintiff consents to this request.

Pursuant to the December 26 Order, Mr. Fogarty's opposition to Plaintiff's motion shall be filed by January 10, 2025, and any reply to the motion shall be filed by January 22, 2025. (ECF Doc. No. 35). Although Plaintiff's deadline to file an amended complaint was originally January 9, 2025, on January 6, 2025, Plaintiff filed a letter requesting a one-week extension of that deadline. (See ECF Doc. Nos. 30, 40). Earlier today, Your Honor granted Plaintiff's request, extending her deadline to January 16, 2025. (ECF Doc. No. 41).

In light of Plaintiff's new deadline of January 16, 2025 to file an amended complaint, Mr. Fogarty respectfully requests a brief extension of the Court-ordered briefing deadlines on Plaintiff's motion to disqualify counsel for Mr. Fogarty. Specifically, Mr. Fogarty requests that his opposition deadline be extended to January 21, 2025, and Plaintiff's reply deadline be extended to February 3, 2025. The requested extension is warranted to give our client and us an opportunity to review Plaintiff's amended complaint, and any new allegations therein, before we finalize and submit our opposition to the motion. Indeed, we cannot fully and accurately analyze and respond to the various arguments in Plaintiff's motion without first knowing what substantive claims and factual allegations are being asserted in this case going forward.

 COLE SCHOTZ P.C.

Hon. Gabriel W. Gorenstein
January 8, 2025
Page 2

This is Mr. Fogarty's second request for an extension of time in this case. His first request for an extension to respond to Plaintiff's original complaint was denied as moot after Plaintiff expressed her intention to file an amended complaint and Your Honor thus adjourned the deadline to respond to the original complaint *sine die*. (ECF Doc. No. 30).

In sum, we respectfully request, with Plaintiff's consent, that Your Honor grant the request and extend the briefing deadlines on Plaintiff's pending motion to January 21, 2025 for opposition and February 3, 2025 for reply. As always, we thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Brian L. Gardner

Brian L. Gardner

BLG:mjm

cc: All parties and counsel of record (*via ECF*)